

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

AUG 30 2011

JULIA C. DUDLEY, CLERK
BY: *H. McDonald*
DEPUTY CLERK

ELMER EDWARD BURGE,
Petitioner,

v.

HAROLD CLARKE,
Respondent.

) Civil Action No. 7:11-cv-00128
)
)
)

) **ORDER**
)

) By: Hon. Jackson L. Kiser
) Senior United States District Judge

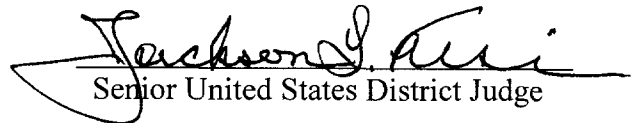
In accordance with the written Memorandum Opinion entered this day, it is hereby

ORDERED

that respondent's motion to dismiss is **GRANTED**; the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**; petitioner's motion for a hearing is **DENIED as moot**; a Certificate of Appealability is **DENIED**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a copy of this Order and the accompanying Memorandum Opinion to petitioner and counsel of record for the respondent.

ENTER: This 30th day of August, 2011.


Senior United States District Judge